

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY, )  
                          )  
Plaintiff,             )  
                          ) Civil Action No. 11-99 Erie  
v.                     )  
                          )  
DR. RICHARD ZEWE, et al., )  
                          )  
Defendants.           )

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on April 19, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 85], filed on June 4, 2013, recommended that the Partial Motion to Dismiss [ECF No. 71] filed by the Correctional Bureau of Healthcare Services and the Pennsylvania Department of Corrections be granted. The parties were allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24<sup>th</sup> day of June, 2013;

IT IS HEREBY ORDERED that the Partial Motion to Dismiss [ECF No. 71] filed by the Correctional Bureau of Healthcare Services and the Pennsylvania Department of Corrections is GRANTED. The Clerk of Courts is directed to terminate these Defendants as parties to this action.

The Report and Recommendation [ECF No. 85] of Magistrate Judge Baxter, filed on June 4, 2013, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
Chief United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge